

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
August 17, 2015 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:

(See text below; The Sign-In Sheet was not recovered after the meeting)

CALL TO ORDER:¹

Chair Lance Whisman called the meeting to order at 6:02 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, Jerod Hicks, and Thomas Holland.
Members Absent: Steve Sutton.

CONSENT AGENDA:

1. Approval of Minutes for the July 20, 2015 Regular Meeting

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the July 20, 2015 Regular Meeting as presented by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

¹ Prior to the Call to Order, Erik Enyart advised Chair Lance Whisman that Steve Sutton had texted his regrets that he would not be able to attend due to a conflict.

PUBLIC HEARINGS

2. **BZ-384 – Tanner Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request from RS-2 Residential Single-Family District, RS-3 Residential Single-Family District, and AG Agricultural District to RS-3 Residential Single-Family District for approximately 42.488 acres in the E/2 of Section 17, T17N, R13E.
Property Located: 2800-block of E. 141st St. S.
-

Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, August 13, 2015
RE: Report and Recommendations for:
BZ-384 – Tanner Consulting, LLC

LOCATION: – 2800-block of E. 141st St. S.
– Part of the E/2 of Section 17, T17N, R13E
LOT SIZE: 42.488 acres, more or less
EXISTING ZONING: RS-2 Residential Single-Family District, RS-3 Residential Single-Family District, and AG Agricultural District
EXISTING USE: Agricultural
REQUESTED ZONING: RS-3 Residential Single-Family District
SUPPLEMENTAL ZONING: None
SURROUNDING ZONING AND LAND USE:

North: (Across 141st St. S.) RS-1; Single-family homes in Country Meadows and Snow Tree Addition and rural residential and vacant/wooded land, all zoned RS-1 in the City of Jenks.

South: RS-3; Agricultural land zoned RS-3 in the City of Bixby.

East: AG & RS-3; Approximately 33 acres containing 15 parcels consisting of rural/residential, vacant/wooded, and agricultural land along 141st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County and agricultural land; also abutting to the east are single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds zoned RS-3 in the City of Bixby. To the southeast of the Enclave at Harvard Ponds is agricultural and rural/residential land zoned AG in the City of Bixby and unincorporated Tulsa County.

West: AG; A 40-acre tract (recently conveyed from Sutherland Trust to Flying Cow, LLC) containing agricultural land and a single-family house in unincorporated Tulsa County, the agricultural NW/4 of this Section (160 acres) in unincorporated Tulsa County, an agricultural 25-acre tract in the City of Bixby, and rural/estate residential, agricultural, and vacant/wooded land in an unplatted subdivision along the Columbia Ave. private street in unincorporated Tulsa County, all zoned AG.

COMPREHENSIVE PLAN: Low Intensity/Development Sensitive + Residential Area/Vacant, Agricultural, Rural Residences, and Open Land + Corridor

PREVIOUS/RELATED CASES: (not necessarily a complete list)

BZ-134 – Clinton Miller for Roger P. Metcalf – Request for rezoning from AG to RS-2 for approximately 74 acres, including the 32-acre subject property tract; the easterly approximately 42/43 acres of which was eventually platted as part of The Reserve at Harvard Ponds subdivision. PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 477).

BZ-223 – George Suppes – Request for rezoning from AG to RS-3 for approximately 52.1 acres, the N. 333.58' (6.7 acres) of which has been deeded to Jenks Land, LLC and is part of the subject property – PC Recommended Approval 09/16/1996 and City Council Approved 10/28/1996 (Ord. # 746).

Annexation Jenks Land, LLC – Petition for annexation of the 4-acre subject property tract – pending Public Hearing and City Council consideration 08/24/2015.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list; does not include cases in the City of Jenks or unincorporated Tulsa County)

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) to the east of subject property – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-57 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-1 for approximately 142 acres (all of the NW/4 of Section 16, T17N, R13E, Less & Except the E. 300' thereof) to the east of subject property – PC Recommended Approval 07/25/1977 and City Council Approved 09/12/1977 (Ord. # 337).

BZ-58 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-2 for approximately 142 acres (all of the NW/4 of Section 16, T17N, R13E, Less & Except the E. 300' thereof) to the east of subject property – Withdrawn 10/03/1977.

Final Plat of Springtree – Jody L. Sweetin – City Council approved the Final Plat of Springtree 04/03/1978 and Plat # 3794 recorded 04/28/1978 to the east of subject property.

BZ-66 – Jody L. Sweetin – Request for rezoning from RS-1 to RS-2 for approximately 100.53 acres (all of the NW/4 of Section 16, T17N, R13E, lying south of Springtree, Less & Except the E. 300' thereof) to the east of subject property – PC Recommended Approval 07/31/1978 and City Council Approved 10/16/1978 (Ord. # 364).

Final Plat of “Springtree South” – Jody Sweetin – Request for Final Plat approval for “Springtree South,” including 189 lots, for approximately 101 acres (all of the NW/4 of Section 16, T17N, R13E, lying south of Springtree, Less & Except the E. 300' thereof) to the east of subject property – PC Recommended Conditional Approval 07/30/1979 (not ever platted).

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the east of subject property – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 402).

PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the east of subject property – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 403).

PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. # 465).

BZ-186 – Gary L. Sulander for Preferred Investments Corp. – Request for CS, OL, RM-1, and RD zoning for approximately 30 acres (S/2 SW/4 SW/4 and NE/4 SW/4 SW/4 of Section 16, T17N, R13E) to the east of subject property – PC Recommended Approval 05/02/1988 and City Council Approved 05/24/1988 (Ord. # 586).

BZ-197 – Stephen D. Carr / George Suppes – Request for rezoning to RS-3, RM-2, CS, and IL for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof, and the NW/4 of Section 16, T17N, R13E, lying south of Springtree, Less & Except the E. 300' thereof) to the east of subject property – PC Recommended Modified Approval 03/21/1991 and City Council Approved with modifications, including IL, CS, RM-2, RS-3, and RS-1, on 04/13/1991 (Ord. # 652).

BPUD (PUD) 12 – George Suppes / Stephen D. Carr & Associates – Request for PUD approval for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300' thereof, and the NW/4 of Section 16, T17N, R13E, lying south of Springtree, Less & Except the E. 300' thereof) to the east of subject property – replaced PUD 3 for the concerned part thereof – PC Recommended Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. # 653; ordinance appears to have excluded the W/2 of the SW/4 of Section 16, T17N, R13E).

PUD 12 Major Amendment – “Amendment A” – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 to the east of subject property – redesignated BPUD 12 as “PUD 12-A” – PC recommended Conditional Approval 11/21/1994 and City Council Approved 01/09/1995 (Ord. # 713;

ordinance appears to have used a legal description that does not properly close. The part with the deficient legal description corresponded to the subject property acreage lying outside Sitrin Center Addition. Because of the legal description error, INCOG did not change the official Zoning Map to reflect "PUD 12-A." Since superseded by PUD 12-D).

BZ-226 – George Suppes – Request for rezoning from RS-2 to RS-3 for approximately 42/43 acres, part of which was eventually platted as part of The Reserve at Harvard Ponds subdivision to the east of subject property. PC Recommended Approval 10/21/1996 and City Council Approved 11/25/1996 (Ord. # 748).

PUD 12-A Major Amendment – "Amendment B" – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 to the east of subject property – PC recommended Conditional Approval 03/16/1998 and City Council Approved 03/23/1998. However, it was not approved by ordinance, as required (reference Zoning Code Sections 11-7I-8.G, 11-7I-8.D, and 11-5-4.E.3). Rather, it was approved by majority vote of the City Council per the approved Minutes of the March 23, 1998 City Council meeting.

BZ-299 – Tanner Consulting, LLC – Request for rezoning from AG to RS-3 for "Pierce Tract Description" of 6.230 acres and the "Sexton Tract Description" of 3.251 acres for the The Reserve at Harvard Ponds subdivision to the east of subject property. PC Recommended Approval 12/15/2003 and City Council Approved the "Pierce Tract Description" of 6.230 acres 02/02/2004 (Ord. # 884). "Sexton Tract Description" added to Ord. # 2085 correcting Ord. # 884 approved 06/25/2012.

Preliminary Plat of The Reserve at Harvard Ponds – Request for Preliminary Plat approval for The Reserve at Harvard Ponds to the east of subject property – PC Recommended Approval 12/15/2003 and City Council Approved 02/02/2004.

BBOA-426 – Kenneth Laster – Request for Special Exception to allow a Use Unit 5 church and similar uses on the 25-acre tract abutting subject property to the west at the 2600-block of E. 151st St. S. and the adjacent 2-acre tract addressed 2909 E. 151st St. S. – BOA Approved 08/02/2004.

Final Plat of The Reserve at Harvard Ponds – Request for Final Plat approval for The Reserve at Harvard Ponds (including subject property) – PC Recommended Approval 09/23/2004 and City Council Approved 09/27/2004 (Plat # 5822 recorded 10/13/2004).

BZ-310 – Tanner Consulting, LLC – Request for rezoning from AG to RS-3 for 10.087 acres which was later platted as part of the The Enclave at Harvard Ponds subdivision to the east of subject property – PC Recommended Approval with an amendment to the legal description as requested by Applicant 04/18/2005 and City Council Approved 05/09/2005 (Ord. # 905).

BBOA-438 – Tanner Consulting, LLC – Request for Special Exception to allow a Use Unit 5 [neighborhood] community pool and playground in the RS-3 Residential Single Family District to the southeast of subject property for Lot 8, Block 8, The Reserve at Harvard Ponds – BOA Approved 06/06/2005.

PUD 12-A Major Amendment – "Amendment C" – "Amendment C" to PUD 12 was received from attorney George Suppes on 10/17/2007. It was not formally submitted for consideration, was not approved, and so has no effect. It is listed here for accounting purposes. The 2012/2013 Major Amendment was designated Amendment # D "Geiler Park" to account for all versions known to have existed.

Sketch Plat of "Three Lakes Estates" – Tanner Consulting, LLC – Request for Sketch Plat approval for "Three Lakes Estates" for the NW/4 of this Section 17, T17N, R13E, approximately 160 acres, to the west of subject property in unincorporated Tulsa County – PC Tabled Indefinitely 08/18/2008 as requested by the surveyor.

BBOA-552 – Robert Campbell III & Karen M. Campbell – Request for Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 5,000 square foot addition to an existing 900 square foot accessory building in the rear yard for property in the RS-3 Residential Single Family District to the southeast of subject property at 14426 S. Harvard Ave. – Withdrawn in December, 2011 due to error in Zoning Map per BZ-299.

BBOA-565 – Robert Campbell III & Karen M. Campbell – Request for Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 5,000 square foot addition to an existing 900 square foot accessory building in the rear yard for property in the RS-3 Residential Single Family District to the southeast of subject property at 14426 S. Harvard Ave. – BOA Denied 08/06/2012.

PUD 12-A – Major Amendment # D “Geiler Park” – Request for approval of Major Amendment # D to PUD 12-A, to be known as “PUD 12-D” for Geiler Park, which amendment proposed the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas, and the modification of bulk and area limitations – PC Recommended Conditional Approval 07/16/2012 and City Council Conditionally Approved the application only, and not the ordinance effecting the zoning change, 08/13/2012 (Ord. # 2088 executed in error). City Council repealed the spurious Ord. # 2088 and approved a revised Major Amendment # D by new ordinance 02/11/2013 (Ord. # 2114).

Preliminary Plat of “Pine Valley Addition” – Tanner Consulting, LLC (PUD 12-D) – Request for Preliminary Plat approval for “Pine Valley Addition” for approximately 51.577 acres in part of the NW/4 of Section 16, T17N, R13E to the east of subject property – PC Recommended Conditional Approval 10/20/2014 and City Council Conditionally Approved 11/10/2014.

BACKGROUND INFORMATION:

Per pre-application coordination meetings with the Applicant and developer, Mike Wallace of Jenks Land, LLC, and per the “Presley Heights” “Conceptual Site Plan 4” drawing included with the BZ-384 application and/or annexation petition, this rezoning is intended to entitle the entire 42.488-acre development area for a single-family housing addition by name of “Presley Heights.” Lots are represented as typically 70’ in width, but a few 65’-wide lots are represented and have been discussed in pre-application meetings. The development is presently designed to have two (2) phases, with the northerly phase occurring first. The same developer developed The Reserve at Harvard Ponds under the entity name Spartan Development, LLC, beginning approximately 10 years ago.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 42.488 acres is zoned RS-2 Residential Single-Family District, RS-3 Residential Single-Family District, and AG Agricultural District, and is agricultural in use. It has approximately 597.28’ of frontage on 141st St. S. and has 60’ of frontage on the west dead-end of the 144th Pl. S. Collector Street in The Reserve at Harvard Ponds and 50’ of frontage on the west dead-end of the 146th Pl. S. residential local minor street in The Enclave at Harvard Ponds.

The subject property parent tracts consist of three (3) existing or former parcels:

- (1) An approximately 32-acre tract in part of the W/2 of the NE/4 of this Section, Assessor’s Parcel Account # 97317731700750, acquired from Sutherland Trust per Tulsa County Clerk’s Document # 2015067107 (singular deed using a combined legal description may have resulted in a singular parcel combined with the following); this parcel was part of that area annexed 12/06/1982 per Ord. # 468, and is zoned RS-2 per BZ-134 in 1983,
- (2) An approximately 4-acre, “flag-lot” tract in part of the NE/4 of this Section, Assessor’s Parcel Account # 97317731710240, acquired from Sutherland Trust per Tulsa County Clerk’s Document # 2015067107 (singular deed using a combined legal description may have resulted in a singular parcel combined with the preceding); this parcel is presently zoned AG in unincorporated Tulsa County and has been petitioned for annexation; and
- (3) An approximately 6.7-acre tract, the N. 333.58’ of the former Bara Acres, LLC parcel of 54 acres, more or less, in the W/2 of the SE/4 of this Section, Assessor’s Parcel Account # 97317731755050; this former 54-acre tract was annexed 03/25/1996 per Ord. # 733 and the 6.7-acre tract was rezoned to RS-3 along with the balance of the former 54-acre tract per BZ-223 per Ord. # 746 dated 10/28/1996.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required. Parts or all of the subject property may lie within the service district of Creek County Rural Water District # 2 (research is pending).

The subject property is moderately sloped. The highest point of the northerly portions of the subject property appears to be the northwest corner, and the land appears to drain southerly/southeasterly toward approximately three (3) existing “farm ponds” along an upstream tributary of Posey Creek, which flows easterly along the north side of The Reserve at Harvard Ponds. The highest point of the southerly portions of the subject property appears to be an easterly side / toward the top of a small hill, located just west of the 32-acre tract subject property tract, and the land appears to drain southerly/southeasterly, easterly, and northeasterly from this point, ultimately toward two (2) upstream tributaries of Posey Creek.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity/Development Sensitive (2) Residential Area/Vacant, Agricultural, Rural Residences, and (3) Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested RS-3 district is In Accordance with the Low Intensity and May Be Found In Accordance with the Development Sensitive and Corridor designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “vacant, agricultural, rural residences, and open land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

The Matrix does not indicate whether or not the requested RS-3 district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RS-1, and RS-3, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 141st St. S. to the north are single-family homes in Country Meadows and Snow Tree Addition and rural residential and vacant/wooded land, all zoned RS-1 in the City of Jenks.

South of the subject property is the balance of the former Bara Acres, LLC parcel of 54 acres, more or less, in the W/2 of the SE/4 of this Section, zoned RS-3 in the City of Bixby. The 6.7-acre subject property tract was acquired from this former 54-acre tract.

Lying to the east is an area of approximately 33 acres containing 15 parcels consisting of 10 rural/residential homes, vacant/wooded, and agricultural land along 141st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County and agricultural land. A Posey Creek tributary bisects this area diagonally northwest to southeast. Also abutting to the east are single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds zoned RS-3 in the City of Bixby. To the southeast of the Enclave at Harvard Ponds is agricultural and rural/residential land zoned AG in the City of Bixby and unincorporated Tulsa County.

Abutting to the west is a 40-acre tract (recently conveyed from Sutherland Trust to Flying Cow, LLC) containing agricultural land and a single-family house in unincorporated Tulsa County, the agricultural NW/4 of this Section (160 acres) in unincorporated Tulsa County, an agricultural 25-acre tract in the City of Bixby, and rural/estate residential, agricultural, and vacant/wooded land in an unplatted subdivision along the Columbia Ave. private street in unincorporated Tulsa County, all zoned AG.

RS-2 zoning (existing on the 32-acre tract subject property) would represent a better zoning pattern for the subject property, as it would serve as a buffer/transition zone between the lower-density single-family development patterns zoned RS-1 to the north in Jenks and the RS-3 zoning to the south/east in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds. It would also serve as an appropriate buffer/transition zone between these existing RS-3-zoned areas and the rural/estate residential development areas zoned AG to the east along 141st St. S. and Harvard Ave. and along the Columbia Ave. private street to the southwest. Further, it would mirror the RS-2/PUD 12-D buffer/transition zone between RS-3/PUD 12-D zoning and RS-1 zoning and lower-density single-family development patterns in Springtree to the east. However, the preponderance of the surrounding zoning is RS-3, and the requested RS-3 zoning would be a logical extension of the large, established RS-3 district abutting to the east and south. Thus, the surrounding zoning and land use patterns appear to support the requested rezoning to RS-3, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by either PUD or through the use of minimum building standards. These methodologies typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities.

The application does not specify what minimum construction standards may be proposed for houses, or whether any neighborhood amenities are planned (Reserve Areas for passive or active private recreation such as pools, clubhouses, playgrounds, water features, walking trails, etc., or Reserve Areas or easements along 141st St. S. to contain enhanced subdivision walls/fences, common landscaping, entrance features, etc.). A PUD or strict minimum construction standards would provide what is planned in this regard, and would give the City a better understanding of what it is being asked to approve.

Minimum construction standards for individual homes have been discussed in pre-application coordination meetings, and the “Presley Heights” “Conceptual Site Plan 4” drawing included with the BZ-384 application and/or annexation petition represents greenspace areas for stormwater drainage and detention, which areas may be neighborhood amenities. However, “Contract/conditional rezoning” is not allowed by law, and so offers and promises made by the Applicant are not enforceable and can only be made part of the Zoning entitlement if included in a PUD.

It should be noted that this is the same recommendation City Staff provided for BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC, which was granted “straight” RS-3 zoning in January, 2015 for 50.76 acres at 161st St. S. and Riverview Rd. As of the date of this report, the prospective buyer/developer has only acquired one (1) of the three (3) parcels entitled with straight RS-3 zoning, and owned that singular parcel at the time of application. It remains to be seen if/when that particular developer will acquire the balance of the 50.76 acres and develop according to the assurances offered at the time of application.

Staff Recommendation. For the reasons outlined above, Staff is supportive of RS-3 zoning, but with a PUD or through the adoption of strict minimum construction standards if determined necessary by the City Council upon Planning Commission recommendation.

Chair Lance Whisman recognized Applicant Ricky Jones, AICP, of Tanner Consulting, LLC, 5343 S. Lewis Ave., Tulsa. Mr. Jones stated that he was attending along with Mike Wallace, who developed The Reserve at Harvard Ponds. Mr. Jones stated that Mr. Wallace had elected not to do a PUD, and that the goal was for this development to be a continuation of [The Reserve at Harvard Ponds and The Enclave at Harvard Ponds]. Mr. Jones contrasted the [“Bridle Creek Ranch” development] rezoning case referenced by Staff by stating that [Mike Wallace] had closed on the property. Mr. Jones stated that this was not speculative zoning and there was no fear that Mike [Wallace] would not develop it. Mr. Jones stated that the houses would be [a minimum of] 2,000 square feet for a one-story, and 2,500 square feet for a two-story, and would have 100% masonry on the first floor except for under porches, windows, and doors. Mr. Jones stated that the intended price point was between \$270,000 and \$370,000, and that one builder would develop all of [the lots]. Mr. Jones stated that [he and his client] would verbally agree to [these design standards]. Mr. Jones stated that [he and his client] would be back before the Planning Commission for the plat. Mr. Jones stated that, as was done in another [housing addition] development, the Restrictive Covenants of the plat would provide language that the “Architectural Review Committee cannot waive the [minimum house size and masonry] standards without City Council approval.” Mr. Jones stated that [he and his client] did not need any relief [from Zoning bulk and area standards], and so did not see why they should go through the expense of a PUD. Mr. Jones stated that [he and his client] agreed to these standards verbally and to include them in the subdivision plat. Mr. Jones noted that [his firm had prepared a plat within] an old PUD that did not include house size or masonry standards, but that he put [the requisite] restrictions in [the Restrictive Covenants of] the plat. Mr. Jones stated that [he and his client] would rather not go through the expense, labor, time, and hassle to do a PUD. Mr. Jones stated that this rezoning was consistent with the Comprehensive

Plan and surrounding zoning, and assured the Commissioners that the [house minimum standards] would be included in [the Restrictive Covenants of] the subdivision plat.

Jerod Hicks asked how many rooftops there would be, and Mike Wallace stated that the concept plan included approximately 98.

Thomas Holland asked how many lots would be lost if RS-2 zoning were maintained. Ricky Jones stated that no lots would be lost, but that [he and his client] would have to do a PUD. Mr. Holland stated that he liked the idea of a buffer between the RS-3 and RS-1 zoning.

Ricky Jones stated that there were a couple of other nuances to mention, including that the owner was seeking to annex 4 acres of the property, and that the property was in a Rural Water District. Mr. Jones stated that the Rural Water District could not meet fire standards. Mr. Jones noted that he and Erik Enyart had attended a [Creek County Rural Water District # 2] Board meeting, and that the concept was [for Creek County Rural Water District # 2] to purchase water from Bixby using master meters. It was stated that the expectation was that the water would come from the Bixby side, and that the development would be better served this way.

Ricky Jones stated that Mike Wallace was working with Mr. Sutherland on additional property to the west. Mr. Jones stated that the property should develop the way it should, and not in large, rural tracts.

Jerod Hicks confirmed with Ricky Jones that all the [stormwater detention] ponds would tie into the stream that goes through The Reserve at Harvard Ponds. Mr. Hicks asked if this development would have its own poolhouse, and Mr. Jones replied that it would not need a community pool, as the people would have their own pools. Mr. Jones stated that [Mike Wallace] had also bought land from Bara Acres, LLC [south of the former Sutherland property].

Erik Enyart stated that the City's preferred method was to get the minimum house standards in the PUD entitlement itself, but that the Applicant in this case had stated in a public meeting, on the record, that they would build a minimum of 2,000 single-story, 2,500 two-story, and 100% masonry houses except trim.

Ricky Jones stated that, if Mike Wallace sold the property, subsequent to rezoning, and if the future plat did not meet standards, the City could [administratively rezone the land] back to AG[, RS-2, and RS-3] zoning. Mr. Jones stated that he knew of a couple city-initiated rezonings in the City of Tulsa.

Ricky Jones was asked how much a PUD would cost to prepare, and Mr. Jones estimated, in this case, between \$7,000 and \$9,000. Mr. Jones stated that the purpose of the PUD was to do something innovative with the land, but that this was not the case here.

Mike Wallace noted that the lots in this development would be larger / deeper than those in The Reserve at Harvard Ponds.

Erik Enyart was asked, and reiterated the Staff Recommendation as “City Staff recommends PUDs, but if it is not found necessary by the Planning Commission and City Council, [the City] can still address [minimum house development standards] with the Restrictive Covenants of the plat.”

Chair Lance Whisman recognized James Lee of 3149 E. 146th St. S. Mr. Lee stated that he lived on a dead-end road, and that “the Realtors told me, ‘Don’t expect anything back there,’” but indicated that he knew better. Mr. Lee expressed concern for traffic “flow increases.” Mr. Lee estimated there were only 8 cars a day [passing in front of his house], but that, using [traffic modeling] standards, he estimated there would be 160 to 180 cars a day. Mr. Lee stated that “house values will go down, especially [for] families with kids.” Mr. Lee asked “How is all the construction traffic going in?” Mr. Lee stated, “I would like to see it go through [141st St. S.] versus the existing” streets.

Jerod Hicks discussed the two phases and timing of infrastructure with Ricky Jones. Mr. Jones stated that there would be two (2) points of ingress/egress [in the first phase], and that the developer would “direct construction traffic as best we can.” Mr. Jones noted that the City required stub-streets to allow for further development.

James Lee asked [the City and/or developer] to “Figure out a way to minimize the impact,” especially for the sake of the kids.

A woman who stated that she owned four (4) pieces of property in “Harvard Ponds” and expressed concern for construction-related activities.

Ricky Jones stated that there was a Residential Collector street built in The Reserve at Harvard Ponds. Mr. Jones stated that there would only be one (1) builder, and that [that builder] would tell all his sub[contractors] to use 141st St. S.

Chair Lance Whisman clarified with Erik Enyart that the development was served by a Collector Street and 146th Pl. S.

James Lee asked what the difference was between RS-2 and RS-3 zoning. Erik Enyart responded that the Zoning Code had a tiered system, and that the RE Residential Estate district required the largest lots, and then the RS- districts went up to RS-4. Mr. Enyart stated that the RS-2 district would normally require the larger lots.

Larry Whiteley suggested using speed bumps.

James Lee stated that [the traffic models] indicate that, between school, errands, and other trips, there would be 4.5 trips per day [per house], resulting in “180 to 190 cars by my house per day.” Mr. Lee[, referring to an extension of 146th Pl. S.,] stated, “I don’t want a straight shot in here.”

Chair Lance Whisman recognized Mike Wallace of 114 S. 3rd St., Jenks. Mr. Wallace stated that he was the owner of the property and developed The Reserve at Harvard Ponds. Mr. Wallace stated that this would be his 28th residential subdivision. Mr. Wallace stated that, as far as a PUD versus straight zoning, this had been a planning/planner/City discussion. Mr. Wallace stated that he “could

have done smaller lots, smaller homes,” but “I don’t do that. I like to save money.” Mr. Wallace stated that, “For the most part, these will be more expensive homes than in The Reserve at Harvard Ponds.” Mr. Wallace stated, “I realize homes were built that were not to [your] standards,” but “we won’t do that.” Mr. Wallace stated, “This will be the first straight zoning we’ve done.” Mr. Wallace stated “You have the same [control over minimum house development standards] through straight zoning.” Mr. Wallace stated, “I acquired [the Bara Acres, LLC tract] per the City at considerable expense so” there would be a “third entrance.” Mr. Wallace stated that the north half of the development would be built first, and suggested signs to “slow down or prohibit construction traffic.” Mr. Wallace stated, “We will be a good neighbor.” Mr. Wallace stated that there would be one (1) builder, which helped the developer control [construction traffic and waste]. Mr. Wallace stated, “I’m okay with a PUD.” Mr. Wallace stated that it had been a while since he was before the Bixby City Council. Mr. Wallace stated that there was approximately 100 acres adjoining the property [that could become future phases of “Presley Heights”]. Mr. Wallace estimated approximately 36 months for build-out, and stated that it was true there is construction waste, until the last house is built and sod is down, but offered to work to reduce this. Mr. Wallace stated that, within The Reserve at Harvard Ponds, he had put in the stub-street in anticipation of developing this property.

Chair Lance Whisman recognized Gayla Carson of 3104 E. 141st St. S. (unincorporated Tulsa County) stated that she was “against RS-3 going between AG zoning. I’m not happy with RS-3 next to Agricultural zoning.”

A question was raised regarding a four-way stop at the intersection of 146th Pl. S. and Gary Ave., which did not have stop signs [for all corners of the intersection]. Erik Enyart stated, “I would expect, as traffic increases, there would need to be four-way stop signs at the four-way stop.” Mr. Enyart agreed to refer this matter to the Public Works Department.

Thomas Holland made a MOTION to Recommend Approval of RS-3 zoning per BZ-384. Larry Whiteley SECONDED the Motion.

Lance Whisman asked about how the Commission should handle the house development standards. Erik Enyart responded that, with a Motion to recommend approval, the Commission could “acknowledge the statements made” by the Applicant pertaining to minimum construction standards for houses.

Discussion ensued between Lance Whisman, Ricky Jones, Thomas Holland, Erik Enyart, and other Commissioners regarding discussion of the Motion, amending the Motion and Second, what would happen if the property changed hands, past experience with verbal offers during straight rezonings, whether the City could administratively rezone the property back to AG [RS-2, and RS-3] if the plat was submitted with development standards different than verbally offered at this public hearing, and acknowledgement of public statements in the Motion.

Ricky Jones, referring to minimum house construction standards to be included in the Restrictive Covenants of a future plat, stated “You have a position to fall back to if [Mike Wallace] sells the property.” Mr. Jones expressed favor for doing future housing addition entitlements by PUD.

There being no further discussion, Thomas Holland amended his Motion as follows: MOTION to Recommend Approval of RS-3 zoning per BZ-384 with acknowledgement of the minimum house construction standards and other pertinent information provided by the developer and developer's representative at the meeting. Larry Whiteley amended his SECOND accordingly. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PLATS

OTHER BUSINESS

3. (Continued from 05/18/2015 & 07/20/2015)

BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54). Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Jiffy Lube Office Building,” a Use Unit 11 office with incidental storage building development for approximately ½ acre consisting of Lot 2, Block 1, *Bixby Jiffy Lube*.
Property Located: 7700:8000-block of E. 118th St. S.

Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, August 14, 2015
RE: Report and Recommendations for:
BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54)

LOCATION: – 8000-block of E. 118th St. S.
– 7740 E. 118th St. S. (previously associated address)
– 7712 E. 118th St. S. (current address assigned per plat; reassignment recommended)
– Lot 2, Block 1, Bixby Jiffy Lube

SIZE: ½ acre, more or less

EXISTING ZONING: OL Office Low Intensity District & PUD 54

SUPPLEMENTAL PUD 54 for “Jiffy Lube”

ZONING:

EXISTING USE: Vacant lot

DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 54 for “Jiffy Lube Office Building,” an office/storage building development

COMPREHENSIVE PLAN: Medium/Low Intensity + Residential Area

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. for a car lot (abutting subject property to the east) – City Council Approved 08/11/1987 (Ord. # 569).

BBOA-449 – Patrick Moore for SBM Corporation – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for a Jiffy Lube auto service facility for Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. (abutting subject property to the east) – BOA Denied 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for subject property Lot 3 Block 5, North Heights Addition (later replatted as Lot 2, Block 1, Bixby Jiffy Lube) – PC Recommended Approval 10/16/2006 and City Council Approved 11/13/2006 (Ord. # 953).

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 963).

AC-07-04-01 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – Approved in April, 2007 per contemporary sources (Minutes of 04/16/2007 meeting not found).

AC-07-10-07 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – Tabled/No Action on 10/15/2007 due to realization that the site plans and buildings were already approved as per AC-07-04-01.

PUD # 54 Minor Amendment # 1 – Request for PUD Minor Amendment for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) to revise building setback lines to reflect the newly-dedicated additional right-of-way as proposed by the plat – PC Approved 01/21/2008.

Preliminary Plat of Bixby Jiffy Lube – Request for Preliminary Plat approval for “Bixby Jiffy Lube,” a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition (includes subject property) – PC Recommended Conditional Approval 12/17/2007 and City Council Conditionally Approved 01/14/2008.

Final Plat of Bixby Jiffy Lube – Request for Final Plat approval for “Bixby Jiffy Lube,” a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition (includes subject property) – PC Recommended Conditional Approval 01/21/2008 and City Council Conditionally Approved 01/28/2008 (Plat # 6276 recorded 03/02/2009).

AC-08-01-02 – Request for Architectural Committee approval of revised site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – AC Conditionally Approved 02/18/2008.

AC-08-08-01 & AC-08-08-02 – Request for Architectural Committee approval of ground and wall signs for Jiffy Lube for Lots 1 and 2, Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) abutting subject property to the east – AC Approved 08/18/2008.

BACKGROUND INFORMATION:

History of the Application. As requested by the Applicant, the Planning Commission Continued this application from the May 18, 2015 agenda.

By email on June 12, 2015, the Applicant requested that the application be Continued to the July 20, 2015 Planning Commission meeting. As there were no other applications to consider, as recommended by Staff, Chair Thomas Holland Cancelled the June Regular Meeting.

As requested by the Applicant by phone on July 17, 2015, the Planning Commission Continued this application from the July 20, 2015 Planning Commission meeting to the August 17, 2015 meeting.

Staff met with the Applicant August 03, 2015 to discuss Staff’s previous recommendation for a PUD Major Amendment to address the initial plans’ apparent Use Unit 23 storage / warehousing use of a majority or significant part of the “office” building, and to address other design issues which may require an amendment to the PUD, and/or to provide a new proposal as to the design to address the issues outlined by Staff. At the meeting, the owner stated that the building was no longer planned for use for storage of automotive-related supplies, and a statement to that effect was received Friday, August 07, 2015. New site plans and information was received August 13, 2015, and this report has been updated to reflect this new information.

Previous Recommendations Pertaining to Land Use. Per pre-application discussions with the Applicant and per the initial Site Plan submittal, the proposed building was originally intended to contain “incidental storage.” Staff had advised the Applicant that, in order for the building to be deemed a Use

Unit 11 office building with incidental storage, greater than 50% of the floor area should be actually devoted to general business office use. It was not clear, based on the floor plan provided with the application, whether or how the “future office” areas² would be restricted from being actually used for storage until completed. The previous “storage” area was roughly 40% of the building floor area, and the “future office” areas were roughly 36% of the building floor area. If roughly 76% (or any part at or greater than 50%) of the building were to be used for storage, that would appear to cause the building’s principal use to be recognized as a Use Unit 23 warehousing and/or storage use, which is not permitted per PUD 54. PUD 54 restricts Development Area A (Jiffy Lube site) to CS uses plus Use Unit 17 automotive oil changing/repair/[lubrication], and Development Area B (subject property) to uses allowed [by right] within the OL district. If Use Unit 23 was actually being proposed, and if the City was amenable to allowing same, this should have required a PUD Major Amendment to “unlock” Use Unit 23 from the available CG zoning in Development Area A, allow its allocation to Development Area B, and specify a maximum building floor area corresponding to the percentage of the building actually to be devoted to Use Unit 23 use. Staff advised the Applicant that such a Major Amendment would allow the City of Bixby to further inform the design and development standards, such as building and/or other building and/or site enhancements as a part of the prerequisites for PUDs pursuant to Zoning Code Section 11-7I-8.C, especially:

1. Harmonizing with the existing and expected development of surrounding areas,
2. Presenting a unified treatment of the development possibilities of the project site, and
3. Maintaining consistency with the stated purposes and standards the Zoning Code provisions for PUDs, which, per Zoning Code Section 11-7I-2, include purposes pertinent to this PUD such as:
 - (A) Permitting innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, and
 - (B) Achieving a continuity of function and design within the development.

If a PUD Major Amendment is ultimately proposed at some future point, such building and/or site design enhancements, to be proposed by the Applicant and to be considered and approved by the Planning Commission and City Council in exchange for the special benefit of more intensive land use approval, could include:

- Upgrading the EIFS siding to traditional masonry,
- Increasing the overall percentage of minimum masonry and/or approved masonry alternatives,
- Restoring the EIFS that “wrapped around” the south end of the building as per the initial submittal,
- Adding minimum masonry and/or approved masonry alternatives to all sides of the building,
- Changing the pitch and/or material of the white metal roof to be more compatible and consistent with the residential neighborhood abutting to the west,
- Bringing the Jiffy Lube development area up to code for minimum landscaping,
- Completing the required sidewalk along the Jiffy Lube development area, and/or
- Enhancing the proposed landscaping back to the initial submittal quality, if not further.

Purpose of the Application. Language in the landscaping section of PUD 54 provides that the final landscaping and screening standards are to be determined as a part of the “PUD site plan.” Although the text does not specify, this language indicates subjectivity, and suggests to Staff that a board or body would review and approve the “PUD site plan.” The City of Bixby took the initial site plan (AC-07-04-01), and subsequent revised site plan (AC-08-01-02) through the Bixby Architectural Committee in April, 2007 and January/February, 2008. It is believed these site plan approvals were presented to the Architectural Committee (AC) because the property is located in the Corridor Appearance District, which required AC site plan approval at that time. It may have served a secondary purpose, approving the PUD-required “PUD site plan.”

Upon Staff review of the documents pertaining the site plan per AC-08-01-02, PUD 54 Minor Amendment # 1, the Preliminary Plat, and the Final Plat, Staff discovered that certain language in the PUD section of the Deed of Dedication and Restrictive Covenants of the recorded plat differed from that of the PUD

² The revised AS201, received August 13, 2015, has the “Storage” and “Future Office” area designations removed, and the entire open area is now designated “General Business Office....Owner Plans to Construct Additional Office as Necessary for its Future Growth.”

Text. Staff Reports and contemporary review emails do not reflect that the City of Bixby requested this change; the origination of the change is not known. The Deed of Dedication and Restrictive Covenants (DoD/RCs) Section 2 "Development Standards for All Lots" provides that (1) there shall be a "detailed landscape and screening plan," and (2) the "detail landscape plan...shall be approved by the Bixby Planning Commission." Read together, the PUD Text and the DoD/RCs text should be construed to require that the Bixby Planning Commission review and approve the required "PUD site plan," which "PUD site plan" should include the required "detailed landscape and screening plan." This BSP 2015-05 application requests approval as determined required by Staff.

The subject property shares a development history with the Jiffy Lube on the lot abutting to the east. The Zoning and development entitlements granted between 2006 and 2008 for the Jiffy Lube included the office building on the subject property, entitled and previously shown to be (60' X 100' =) 6,000 square feet in floor area. However, the office building was not built at the same time, and more detailed plans for same have just now been received. According to Tulsa County Assessor's parcel records, both lots are presently owned by the same entity, Auto Oil Change, LC.

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 2, Block 1, Bixby Jiffy Lube, and is zoned OL with PUD 54 "Jiffy Lube." The subject property slopes moderately downward to the south. It appears to partially drain southeasterly along the borrow ditch attending Memorial Dr., and partially to the south through the stormwater drainage system in Bixby Centennial Plaza, which presently utilizes a temporary stormwater detention pond to the west of the Bank of Oklahoma. This pond is ultimately planned to be replaced in favor of a stormsewer system installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2, which may be accessed upon payment of applicable excess capacity fees and fees-in-lieu of continued onsite stormwater detention. The borrow ditch along Memorial Dr. may be in either or both of the Fry Creek Ditch # 1 or Fry Creek Ditch # 2 drainage basins.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

General. The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lots conforms to PUD 54 and, per the plans generally, the office building development would conform to the applicable bulk and area standards for PUD 54 and the underlying OL district, except as otherwise outlined herein.

Compared to the site plan last approved in 2008 per AC-08-01-02, a few changes have been made, including, but not necessarily limited to:

- Building is (109' X 55' =) 5,995 square feet, compared to (100 X 60' =) 6,000 square feet per the original site plan.
- The west setback has been increased from 25' to 30'.
- The north setback has been increased from ~28' to ~31'.
- The parking lots along the north and south sides of the building have been removed, and more parking relocated to the east side of the building.
- The required sidewalk will be added along the frontage of 118th St. S.
- The building's interior and exterior designs have changed.

The site plan proposes approval of a building to be known as the "Jiffy Lube Office Building," which Staff understands is intended to be considered a Use Unit 11 "general business office" for the entity owning all of the Jiffy Lube franchise locations in "Tulsa County." Per the Applicant's letter received August 07, 2015, the building is no longer planned to contain "incidental storage."

The Detailed Site Plan was prepared by W Design, LLC of Tulsa. The submitted plan-view Site Plan drawing consists of "Architectural Site Plan" drawing AS100 and "Floor Plan First Floor" drawing A201 (hereinafter, individually or together, sometimes "Site Plan" or "site plan"). The landscape plan consists of a "Landscape Plan" drawing AS101. Appearance and height information is provided on the "Exterior Elevations" drawing A301. Fence/screening information is provided by the representation of such information on AS100. The Lighting Plan consists of "Photometric Site Plan" drawing AS102. The application form indicates that the Sign Plan is "N/A." Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings; however, see Screening/Fencing and Signage analyses sections of this report.

The building is proposed to be a one (1) story metal building with EIFS and a synthetic stone wainscot along the north and east elevations, and a metal gable roof with a 1:12 pitch. The revised site

plans provided August 13, 2015 have reduced the number of loading bay / overhead doors from three (3) to two (2). The former stairwell leading to an area of unspecified size represented on the plans as "unoccupied mechanical platform," and described as a "mezzanine or second floor" in the pre-application coordination meeting held March 12, 2015, has been removed.

Fire Marshal's and City Engineer's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) reviewed this application on May 06, 2015. The Minutes of the meeting are attached to this report.

Access & Circulation. Per the plat of Bixby Jiffy Lube and the site plan, the subject property has 105.64' of frontage on 118th St. S., and one (1) driveway connections is planned thereto. The driveway connection would correspond to a 25'-wide Mutual Access Easement (MAE) as represented on the plat of Bixby Jiffy Lube, half of which MAE is located on the subject property, and the easterly half on the Jiffy Lube property. Primarily to the east of this MAE, there is an existing north-south drive connecting 118th St. S. to an existing east-west private drive along the north side of the Bixby Centennial Plaza development to the south.

Plans for access can be further inferred from the site plans.

Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE.

The MAE may have been intended to provide mutual access between Lots 1 and 2 of Bixby Jiffy Lube. Although the Applicant's response received August 13, 2015 notes that the original language pertaining to the MAE was not found, it also claims that the purpose was exclusively to provide mutual access between the owners of Lots 1 and 2. As per the actual site construction and as per the first Jiffy Lube site plans (AC-08-01-02), the 25'-wide MAE does not correspond to the north-south driveway connecting 118th St. S. to the east-west private drive along the north side of the Bixby Centennial Plaza development to the south. However, per contemporary development review narratives, rather than or in addition to this purpose, it is possible that the MAE may have been intended to secure an additional access through Bixby Centennial Plaza, by agreement with the developer of that commercial subdivision, "as the Applicant has stated has been reached." A copy of such agreement was provided, and the legal description used appears to correspond to where the drive lanes were actually constructed. Regardless of whether the MAE was or was not (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking, garbage bin enclosure, and landscaping versus drive lanes) according to current site designs.

Most of the pavement for the existing north-south drive is located on the Jiffy Lube property, but there is some measure located on the subject property as well. Per the site plan, most of the MAE on the subject property will be occupied by the parking lot strip along the east side of the building. Per the site plan, the 18'-deep parking lot stalls will be located 15' on the subject property and three (3) feet on the Jiffy Lube property. There will also be a curb-protected landscaped area defining the new curb return that will modify the existing north-south drive at the northeast corner of the subject property lot. The landscaped area will occupy all of the subject property's MAE here, and extend approximately three (3) feet into the abutting Lot 1, Block 1, Bixby Jiffy Lube, which area is part of the existing drive lane.

Since the site design calls for three (3) feet of the 18'-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.

The proposed new and any modifications to existing driveway/street intersections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and

curb return radii. Internal drives also require Fire Marshal's approval in terms of locations, widths, and curb return radii.

The required sidewalk along 118th St. S. is indicated. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Internal pedestrian accessibility will be afforded via internal sidewalks, connecting pedestrians between parking areas and building entrances within the development (reference Zoning Code Section 11-10-4.C). With the revised site plan drawings received August 13, 2015, a connection has been added to connect the building's public entrance to the public sidewalk along 118th St. S.

Parking & Loading Standards. For a Use Unit 11 office building, Zoning Code Section 11-9-11.D would require 1 space / 300 square feet of floor area. At 5,995 square feet, 20 parking spaces would be required. With the revised site plan drawings received August 13, 2015, the parking lot along 118th St. S. has been removed, and the parking lot strip along the east side of the building has been slightly reconfigured. The site plan now reports, and Staff counted 11 off-street parking spaces to serve the subject property.

PUD 54 requires compliance with the parking requirements of the Zoning Code, but also provides the following mutual parking privileges provision:

"...parking spaces required in one development area may be satisfied by spaces in another area, as long as "the total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required." Mutual use shall be authorized by a duly recorded mutual access or reciprocal access agreement."

For a Use Unit 11 office building, as the number of spaces has been reduced from 20 to 11, the subject property would require credit or use of parking spaces located within Development Area A / Lot 1, Block 1, Bixby Jiffy Lube. Per the 1976 Zoning Code, parking and loading requirements did not apply to oil lubrication and service business uses previously classified under Use Unit 16. Per the 2008 Zoning Code Text Amendment pertaining to Use Unit 16 ministorage developments, oil lubrication and service businesses uses were reclassified under Use Unit 17, and no parking or loading standards were added to the Zoning Code upon the reclassification. Thus, the Jiffy Lube does not have parking or loading requirements. Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.

Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. At 11 parking spaces proposed, the number of parking spaces proposed would not conflict with this standard if the building were deemed a Use Unit 11 office use.

With 11 parking spaces on site, the one (1) handicapped-accessible parking space appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2.

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan provides that the one (1) accessible space will be of van-accessible design, and the dimensions provided on the space appear to comply with ADA dimensional standards. The dimensional design standards of per Zoning Code Section 11-10-4.C Figure 3 do not apply to van-accessible spaces. Per the revised site plans received August 13, 2015, the van-accessible space is now to the left of the accessible aisle, allowing for passenger-side convenience, as appropriate.

During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

The individual parking space dimensions have been provided and demonstrate compliance with standards for the same Zoning Code Section 11-10-4.

The parking lot is subject to a 10' minimum setback from 118th St. S., a Collector Street, per Zoning Code Section 11-10-3.B Table 1. The former northwestern parking lot has been removed. Based on its relative representation compared to the 11'-wide U/E, this standard appears to be met.

The parking lot is subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. The subject property abuts an R district to the west, and meets this parking lot setback standard.

The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 11 office buildings, Zoning Code Section 11-9-11.D requires one (1) loading berth per 10,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area, and thus the building does not meet the threshold for requiring any. The east side of the building will have two (2) loading bay areas, which the Applicant has stated are not intended as loading bays but as garage doors for the current owner's private vehicles.

Screening/Fencing. *PUD 54 requires for screening "[a]n eight (8) feet high screening fence...along the west boundary of Development Area B consisting of a block wall or other acceptable material." The site plan represents the location of the existing 8'-high masonry wall, and depicts it in a photograph (or Google Street View image capture) as Diagram # 2. The City required the masonry wall be erected when the Jiffy Lube was built as there was a delay in the construction of the office building. However, the image and previous correspondence with the owner indicate that the northerly end of the fence is not at the 8' height, but is rather "stepped down" at its approach to the street. Staff has previously advised the owner that this would require a PUD Amendment. In the response received August 13, 2015, the Applicant has stated, "During some previous discussions with the Neighborhood, the residents had wanted a lower fence height at the corner for safer visibility. The owner is currently coordinating with the neighborhood to determine if they want the height of the fence increased, or left as is. Depending on the outcome of the Neighborhoods desires, we will take the proper steps in the minor amendments to the PUD."*

Previous discussions and correspondence with the owner indicate that the owner may have, at one point, intended to install signage in the screening wall identifying the North Heights Addition, as a part of the owner's discussions with the neighborhood to secure zoning entitlements for the Jiffy Lube and office building development on the subject property. It does not appear, however, that such a design element was included as a development standard in the PUD or as a condition of approval for any other development entitlement. Staff discussed this matter with the owner during a pre-application coordination meeting held March 12, 2015 and again during the meeting held August 03, 2015. See signage analysis section of this report for further information on this matter.

PUD 54 requires the following for garbage dumpster screening:

"There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. An opaque fence of at least 8 feet in height shall be placed around all dumpsters. All dumpsters shall be located behind the front building lines."

The site plan identifies one (1) trash can enclosure area, which has been relocated with the latest site plans to the southeast corner of the building, which new location also complies with the locational restriction of the PUD. The revised plans call for it to be an 8'-high cedar wood dumpster enclosure, and the profile view/elevation is indicated as diagram #s 4 and 5 on drawings AS101, and appears to demonstrate compliance with the opacity requirement. As recommended, the screening height and composition details have been submitted, for the Planning Commission's review and approval as a part of this Detailed Site Plan.

In a meeting with the Applicant and owners August 03, 2015, the owners stated that they would consolidate the existing, unscreened commercial dumpster serving Jiffy Lube with the new dumpster enclosure, and that they will amend the Mutual Access Easement (or use another method) to allow for the shared use of the singular enclosure.

Landscape Plan. *PUD 54 requires compliance with the landscaping standards of the Zoning Code and provides the following special standards for landscaping:*

"Provided open space and landscape areas shall be calculated to comprise no less than ten percent (10%) of the gross development area of the PUD. The actual [quantity] and quality of open space and landscape areas within a particular development area shall be approved and determined through the PUD site plan. The plan shall include, but not be limited to, a 25 feet wide landscaped open space area along the west boundary of Lot 3, Block 5, North Heights, which is Development Area B..."

Notwithstanding the subjectivity of the second sentence, which is subject to the Planning Commission's approval of this PUD site plan, all specific and special PUD-imposed landscaping requirements outlined in the above paragraph have been met with this landscape plan.

The initial landscape plans submitted have been changed upon the issuance of the initial Staff Report. Some landscaping trees have been removed (new calculations removed duplication of tree requirements at overlapping Street Yard and setback area strips, and all trees not required have been removed), and plans for an underground irrigation system have been removed in favor of hose bibs.

The proposed landscaping is compared to the Zoning Code and PUD 54 as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' along 118th St. S., on which the subject property has 105.64' of frontage. PUD 54 does not increase the 25' setback required by the OL district. The Street Yard thus contains $(105.64' \times 25' =) 2,641$ square feet, 15% of which would be 396.15 square feet. Based on the calculations provided, and per dimensions indicated on the site plan, **this standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. A 10' minimum width strip is required along 118th St. S., a Collector Street. The former northwestern parking lot has been removed. The proposed parking lot setback / landscaped strip does not appear to be provided, but the 11'-wide U/E is. Based on its relative representation, **this standard is met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There is an RS-1 district abutting to the west. Based on dimensions on the site plan and the relative representation of site features, **this standard is met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along 118th St. S. (which is a Street Yard), the PUD provides setbacks along the east, south, and west boundaries of Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The PUD-imposed setbacks are greater than the underlying OL district in all cases, so are the ones which apply to this standard. The revised landscape plan received August 13, 2015 identifies how the various setback and Street Yard tree requirements can be calculated, which Staff recognizes as consistent with the Zoning Code and its interpretation as follows:

197.63' Easterly Boundary Setback Tree Requirements: East line @ $(197.63' - 25' \text{ Street Yard} =) 172.63' \cdot 10' = 1,726.3$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (at southeast lot corner). **This standard is met.**

105' South Boundary Setback Tree Requirements: South line @ $(105' - 10' \text{ East Setback} =) 95' \cdot 20' = 1,900$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (centermost 2 along south line). **This standard is met.**

185.99' West Boundary Setback Tree Requirements: West line @ $(185.99' - 25' \text{ Street Yard} - 20' \text{ South Setback} =) 140.99' \cdot 25' = 3,524.75$ square feet / 1,000 = 3.525 = 4 trees. Excluding trees elsewhere accounted for, four (4) trees are proposed in the landscaped area containing the setback along this line (southernmost 4 trees along the west line). **This standard is met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least 30, 100, or 200 square feet and one (1) or two (2) trees. For the subject property, the standard calls for a maximum of 50' of spacing, with one (1) tree required within the Landscaped Area. With the initial submittal, it was not clear, based on the dimensions provided, whether the centermost parking spaces along the east side of the building would have met this standard from available landscaped areas.

However, the revised site plans received August 13, 2015 have removed this parking space. **This standard appears to be met.**

6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street. The subject property has 105.64' of frontage on 118th St. S. which requires $(105.64' \times 25' =) 2,641$ square feet / 1,000 = 2.6 = 3 trees. Excluding trees elsewhere accounted for, three (3) trees are proposed in the Street Yard. **This standard is met.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 11 parking spaces now proposed / 10 = 1.1 = 2 trees required (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). Excluding the Street Yard and Building Setback trees reported above, two (2) trees proposed. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Note # 6 (and perhaps others) on the landscape plan indicates compliance is now proposed by hose bibs on the building. 100' radii are indicated from each hose bib and demonstrate compliance minimum requirements of the Zoning Code. **This standard is met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), the notes on the drawings, other information indicate compliance with other miscellaneous standards. With the changes made to the plan drawing received August 13, 2015, **this standard appears to be met.**
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot within a PUD must be landscaped open space. Although PUD 54 preempts the 15% standard with a 10% standard, per the Site Plan, 48% of the lot area will be pervious surface (sod). **This standard is not applicable.**

Exterior Materials and Colors. Appearance and height information is provided on the "Exterior Elevations" drawing A301. The PUD has a 35' maximum building height in Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The previous shed-roof design has changed, and the plans now call for a white gable roof design with a 22' 3.5" ridge height and a 1:12 pitch.

PUD 54 provides for "Building Facades": "All construction shall comply with City of Bixby ordinances."

The subject property is within the Corridor Appearance District, which, as of 2013, has a masonry and/or approved masonry alternatives requirement for all building elevations facing a Public street. Per the elevations drawing, the building is to be a white metal building with white EIFS veneer and a 3'-tall "tan blend" manufactured stone veneer (sometimes a/k/a "wainscot") along the north/118th St. S.-facing elevation and east/Memorial Dr.-facing elevation. The synthetic stone veneer was added with the revised plans received August 13, 2015. The originally-submitted plans "wrapped" the EIFS around the easterly end of the south-facing elevation for an unspecified distance, but the plans received August 13, 2015 have removed this.

Although the office building was represented on the AC-07-10-07 and AC-08-01-02 site plans along with the Jiffy Lube to the east, elevations for the office building were not included with either application. However, Staff found building elevations and floor plans drawings for the original office building as proposed, and as the Architectural Committee apparently approved per AC-07-04-01 in April, 2007. The plans only included the front building elevation, and showed it to be a stucco building with a high-pitched shingle roof with four (4) dormers, a projecting portico and/or recessed vestibule with temple-front design, including a pediment and two (2) columns or pilasters, and what appears to resemble a brick "wainscot" roughly 2'-high. The floor plan reflected no loading docks or storage areas.

As Staff advised the owner and Applicant in the pre-application coordination meeting held March 12, 2015, and by subsequent email to the Applicant, if there are any particular design elements that would be superior to what is now proposed, those will be included as a review comment for comparison and discussion. In Staff's estimation, this metal building with large loading bay doors, which resembles a storage building even if not currently proposed for storage, at least as compared to the previous "pure" office building, would represent a diminished quality design.

The OL zoning and office building on the subject property were originally intended or otherwise should be recognized as serving as a buffer and transitional zoning district and land use between the heavy commercial Jiffy Lube to the east and the single-family residential neighborhood to the west.

Staff notes that a large metal building primarily composed of open areas served by two (2) large loading bay doors, with parking now reduced below what is considered adequate for office occupancy under the Zoning Code, if not now by this building owner, may at some point become attractive for use for storage/warehousing. Thus, construction of this building at this time may ultimately result in an intermittent or chronic code enforcement situation throughout the life of the building.

For all the reasons outlined above, as provided for plans exhibiting “exceptional character” within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.

Outdoor Lighting. The Lighting Plan consists of “Photometric Site Plan” drawing AS102, which includes a photometric plan and a legend describing the different light fixtures proposed and certain other particulars. There do not appear to be any pole-mounted lights; all are building-mounted and appear typical for an office building application.

PUD 54 provides for lighting:

“Exterior light poles shall meet the requirements of the Bixby Zoning Ordinance. Lighting used to illuminate the development area shall shield and direct the light away from properties with[in] an R District that are residentially developed. Shielding of such light shall be designed so as to prevent the light producing element of the light fixture from being visible to a person standing in an R District that is residentially developed. Exterior lighting mounted on building walls shall be permitted.”

Per the photometric plan, it appears that the footcandle effects of the proposed lighting will be reduced to 0.0 at the westerly propertyline shared with an existing single-family dwelling. This appears to demonstrate compliance with the PUD requirements and Zoning Code restrictions on lighting used to illuminate off-street parking areas.

Signage. PUD 54 requires compliance with the signage standards of the Zoning Code and provides no special standards for signage other than the representation of any proposed ground signs on the site plan.

The application form indicates that the Sign Plan is “N/A.” Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings.

As noted in the Screening section of this report, Staff has recommended the Applicant advise if there is still intent to install signage in the screening wall identifying the North Heights Addition, and if so, amend the plans accordingly. The Applicant has responded to this recommendation by stating “The owner is currently coordinating with the neighborhood to determine if they want the identification signage, or left as is. Depending on the outcome of the Neighborhoods desires, this placard will be installed onto the existing screening fence. If the signage is to be installed it will be submitted to the City of Bixby for a signage permit and follow all requirements set forth by the City of Bixby.” Unless PUD 54 is amended to provide specific allowance and development standards for such a sign, it should otherwise be permitted pursuant to Zoning Code Section 11-9-21.C.3.f: “Tablets built into the wall of a building or other structure and used for inscriptions or as memorial tablets or for similar purposes.”

Building-wall-mounted signs are expected, but are not indicated on any of the plans. The Applicant has responded by stating, “There are no building-wall-mounted signs proposed at this time. Any future signage will go through the City of Bixby’s sign permit application process.”

Directional signs, although not indicated, are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. For all the reasons outlined above, as provided for plans exhibiting “exceptional character” within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.

3. *Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE. Regardless of whether the MAE was (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking and landscaping versus drive lanes) according to current site designs. The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. See Access & Circulation section of this report for further details.*
4. *Since the site design calls for three (3) feet of the 18'-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.*
5. *The proposed new and any modifications to existing driveway/street intersections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.*
6. *Internal drives require Fire Marshal's approval in terms of locations, widths, and curb return radii.*
7. *Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.*
8. *During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).*
9. *The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
10. *PUD 54 requires for screening an 8'-high screening fence along the west boundary of the subject property, consisting of a block wall or other acceptable material. It appears that the northerly end of the existing fence is not at the 8' height, but is rather "stepped down" at its approach to the street. As Staff has previously advised the owner, this would require a PUD Amendment.*
11. *The owner should advise if the owner still intends to install signage in the screening wall identifying the North Heights Addition. If there is still intent to do this, the plans should be amended accordingly. See Screening/Fencing and Signage analyses sections of this report for further information on this matter.*
12. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
13. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's*

determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.

A question was asked, and Erik Enyart confirmed that the office building depicted on the elevation drawing on page 75 of the Agenda Packet was previously approved by the City's Architectural Committee in 2007.

Weldon Bowman, AIA, NCARB, of *W Design, LLC*, 815 E. 3rd St. S., Suite C, Tulsa, provided to the Commissioners copies of an architect's rendering from a perspective facing the proposed northeast corner of the building, and noted that it had been provided to the City but had not been included in the Agenda Packet. Erik Enyart stated that he had inadvertently omitted it from the agenda packet as it was received earlier, separately, and that he had received the revised site plan submittal, recognized it matched the previous site plan submittal and forgot to search for earlier documents. Mr. Enyart expressed regret for the omission. Mr. Bowman and Brian Letzig displayed for the Commissioners a posterboard with a copy of the rendering and another posterboard with photographs of other office buildings in the Tulsa area which included overhead doors. Mr. Enyart stated, "W Design has been very good to work with us" on the revisions to the site plans, and had been "attentive to the details."

Jerod Hicks asked how much of the building would be office. Weldon Bowman responded the building was 5,995 square feet and, "as of now, all" would be "office use." Mr. Bowman stated that his client would "build the entire building and grow into the rest" [of the open floor area]. Mr. Bowman stated that, at this time, approximately 1,500 square feet would be finished with office space per the plans.

Pat Moore stated that he was in negotiations with Jiffy Lube international and a fellow franchisee that could double his store count, and that a partner in another state could move here, so he needed more space. Mr. Moore stated that the Federal government certain records retention, which required he store all invoices for all stores he owned for four (4) years. Mr. Moore stated that he stored them within the stores, which created [inadequate] room issues. Mr. Moore stated that this building would free up spaces in the stores for product. Mr. Moore noted that the posterboard included photographs of "pure office buildings with overhead doors" in the Tulsa area. Mr. Moore stated that his office manager would park her car inside the building when she would work during inclement weather, after hours, and on weekends. Mr. Moore stated that the building would also have indoor parking for his own car. Mr. Moore stated, regarding the "home-looking office" building plans submitted to the Architectural Committee "by our then-engineer," they were "never formal drawings of it" as they "do not have Jiffy Lube on it." Mr. Moore stated that they were prepared by JR Donelson, and were "his conception." Mr. Moore stated, "Mr. Green required I buy all three (3) lots... the third lot needed income," so he had planned to "build an office and rent it out," but that he "didn't plan to build it at that time." Mr. Moore stated that he needed the building now for his Tulsa locations. Mr. Moore stated, "I will be building out very quickly if I'm successful in acquiring the Oklahoma City" [franchises]. Mr. Moore gave his word that "we will not store automotive parts" in the building.

Thomas Holland asked if there would be a second story, and Pat Moore responded that he did not plan on having one. Mr. Holland noted that the building had a 20' eave height. Mr. Moore stated that it met all the [Zoning] Code and PUD requirements. Mr. Holland expressed concern that the

back side would be “a wall of metal.” Mr. Moore stated that he was allowed to go to 35’. Mr. Holland stated that an 8’-high fence would give the abutting resident a view of about 12’ of metal building. Mr. Moore stated, “The owner of the house [next door]—we have a working relationship with him” and noted that they had done business together earlier that day.

Chair Lance Whisman recognized Harley Lundy of 11647 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Lundy stated that he was Vice-President of the North Heights Homeowners Association, and that [he and the HOA] “signed on to the office building,” but “we did not sign on for a metal building with overhead doors.” Mr. Lundy stated that [he and the HOA] were “not in favor” of this, and that “eyesore” was the word used within the HOA to describe the building. Mr. Lundy stated that Jiffy Lube had been a good neighbor, and that Pat Moore and Greg Moore “do what they say they will do.”

Thomas Holland stated that the Applicant had presented four (4) nice office buildings with garage doors that look nice, and indicated that the proposed metal building did not look as good. Jerod Hicks confirmed with Weldon Bowman that the depicted office building example [at 10777 S. Memorial Dr. in Bixby] had been completely faced with EIFS and synthetic stone.

Chair Lance Whisman recognized Jay Mauldin of 7341 E. 119th Pl. S. Mr. Mauldin provided the Commissioners copies of the 2007 office building plans and an excerpt from the Staff Report for this item. Mr. Mauldin described the history and nature of changes between the various plans for the building on the subject property. Mr. Mauldin quoted the Staff Report passage expressing concern for a potential “chronic or intermittent” code enforcement situation throughout the life of the building, and stated that this language was “extremely disconcerting and instructive.” Mr. Mauldin stated that the residence to the west was two (2) stories, and so would look out on the white sheet metal building. Mr. Mauldin stated that this building was not contemplated by the PUD. Mr. Mauldin stated that it was a “warehouse in sheep’s clothing,” and expressed concern as things change. Mr. Mauldin stated that the building “looks like a warehouse and is manifestly organized as such,” and that this “warrants denial of this proposal.” Mr. Mauldin stated that he would “welcome a legitimate office” and that it was “possible to get to” [a partial storage allowance] by allowing it to be “unlocked from the underlying CG zoning” [if the building were redesigned]. Mr. Mauldin stated that he was an auditor and understood the need to keep records, but if it walks and looks like a duck, “this is a warehouse.”

Pat Moore addressed Jay Mauldin. Chair Lance Whisman and Thomas Holland indicated that it was not in order to have discussion directly between Messrs. Moore and Mauldin, and that comments should be addressed to the Commission.

Chair Lance Whisman recognized Pat Moore. Mr. Moore stated that he would like to rebut statements made. Mr. Moore asked about the 2007 office building plans. Erik Enyart responded that this was the record of what was presented to and approved by the Architectural Committee. Mr. Moore stated, “I never intended to do anything with that,” and that he “did not have the finances to do it.” Mr. Moore asked Mr. Enyart if the plans met the requirements, and Mr. Enyart responded that they met “the minimum standards of the Zoning Code and PUD with the exceptions outlined in the” Staff Report. Mr. Moore asked about the need for the 2007 site plan. Mr. Enyart stated that he believed it may also have been intended to serve as the Site Plan required per the

PUD. Mr. Moore asked Mr. Enyart why he had raised the issue of the 2007 plans, and Mr. Enyart responded that it was his obligation to “point these things out when they change.”

Pat Moore stated that he had provided a letter under his personal signature [that the building would not be used for storage of automotive parts]. Mr. Moore stated that the only objection remaining was that the wall had not been finished. Mr. Moore stated that he had withheld \$1,000 from the contractor to finish the wall, and that the contractor never finished it so he never paid the contractor. Mr. Moore stated, “We are planning to meet with the neighborhood in regard to the height of the building.”

A Commissioner asked Pat Moore why he would not build today what he needed rather than build it out later. Larry Whiteley asked if Mr. Moore was asking to postpone the application for a month. Erik Enyart asked Pat Moore, “Did you say you would meet with the neighborhood and that this could result in a change in the building height?”

Someone stated that the office building was intended to be a buffer.

Jerod Hicks noted that the plans had changed from the original and that this had not been expected. Mr. Hicks stated that the building looked more like a building one would find in an industrial park. Mr. Hicks stated that he liked metal buildings and “these are great even with the [overhead] doors,” and that he “wouldn’t mind storage, as long as the aesthetics match.” Mr. Hicks stated that the present building “looks like an industrial park.”

Chair Lance Whisman compared the proposed building to the “office/warehouse” buildings behind the *Kum & Go* [at 111th St. S. and Memorial Dr.].

Larry Whiteley stated that there are some metal rooves that resemble asphalt shingles and suggested Pat Moore consider these. Mr. Whiteley suggested Continuing the application to the September Regular Meeting. Erik Enyart stated, “It would be best to ask the Applicant if he wants an up or down vote or if he would be amenable to Continuing it for further input” from the neighborhood.

Pat Moore stated that the delay “inherently costs me money,” but indicated favor for the Continuance.

Harley Lundy stated that [he and the HOA] had “signed on to more of a residential[-design] office” building.

Chair Lance Whisman confirmed with Erik Enyart that the Jiffy Lube building and office building had been presented to the Architectural Committee “as a package.”

Pat Moore confirmed with Erik Enyart that there were no Minutes of the [April 16, 2007 Architectural Committee meeting at which AC-07-04-01 had been considered]. Mr. Enyart stated that the former Secretary of the Architectural Committee had confirmed to him that [the office building] was on the agenda, and another former Committee member had confirmed, ‘yes, we approved it.’ Mr. Enyart stated, “I could get others to tell me too.”

Harley Lundy stated, “We’re looking out for our interests.” Mr. Lundy stated, “Jim Coffey was going to turn them down flat,” but that “I spoke up for” the project, and that Jiffy Lube had been “a good neighbor.”

Jay Mauldin stated that certain uses were allowed by the PUD. Mr. Mauldin stated that, if it were deemed a Use Unit 23 warehouse, it must be rejected because that would not be an allowable use. Mr. Mauldin stated that Use Unit 11 would be allowable. Mr. Mauldin stated that the PUD controlled, “not what you or I think” [a landowner should be able to] “do within the confines of the doors.”

Larry Whiteley addressed Pat Moore and stated, if he would “build it out all at once,” he could “save money.”

There being no further discussion, Larry Whiteley made a Motion to CONTINUE BSP 2015-05 to the September 21, 2015 Regular Meeting. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

4. (Continued from 07/20/2015)

BL-399 – Ahmad Moradi. Discussion and possible action to approve a Lot-Split for approximately 5.65 acres in part of the NE/4 of Section 11, T17N, R13E.

Property located: 13200-block of S. 78th E. Ave.

Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, August 14, 2015
RE: Report and Recommendations for:
BL-399 – Ahmad Moradi

LOCATION: – 13200-block of S. 78th E. Ave.
– Part of the NE/4 of Section 11, T17N, R13E
LOT SIZE: 5.65 acres, more or less
ZONING: RS-1 Residential Single-Family District
SUPPLEMENTAL ZONING: None
EXISTING USE: Agricultural/vacant
REQUEST: Lot-Split approval
COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
PREVIOUS/RELATED CASES: (Not necessarily a complete list)
BL-21 – Leticia Smith – Request for Lot-Split, evidently to separate the northerly portion with 131st St. S. street frontage from the subject property – right-of-way for (then or future) 78th E. Ave. may or may not have been involved per case notes – PC Approved 06/27/1976 and Board of Trustees Approved 07/20/1976 per case notes.

BZ-63 – Alfred A. Smith – Request for rezoning from AG to RS-1 for property of approximately 13.75 acres including subject property, the Abbie Raelyn Estates residential subdivision, three (3) unplatted residential tracts along 78th E. Ave., and the Bixby Telephone Company / BTC Broadband communications building at 13119 S. 78th E. Ave. – PC Recommended Conditional Approval 02/27/1978 and City Council Approved 08/07/1978 (Ord. # 362).

BZ-88 – Leticia Smith for Alfred Smith – Request for rezoning from AG to RS-1 for approximately 6 acres of Applicant's property abutting to the west of subject property – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 398) (AG zoning represented on Zoning Map evidently in error; correction request to INCOG pending).

BZ-235 – Ron Koepp for Tulsa Tie-Scaping, Inc. – Request for rezoning from RS-1 to CG for the subject property and approximately 6 acres of Applicant's property abutting to the west – PC Recommended Denial 10/20/1997 and evidently denied by or not appealed to City Council.

BZ-251 – Sitton Properties, LLC for Tulsa Tie-Scaping, Inc. – Request for rezoning from "AG" and RS-1 to RMH for a manufactured home park for the subject property and approximately 6 acres of Applicant's property abutting to the west – PC Recommended Denial 01/19/1999, appealed to City Council, and evidently Denied.

BZ-254 – Sitton Properties, LLC – Request for rezoning from "AG" and RS-1 to RS-3 for a single-family housing addition development for the subject property and approximately 6 acres of Applicant's property abutting to the west – PC Recommended Approval 04/19/1999 and City Council Denied 05/24/1999.

BACKGROUND INFORMATION:

By email on June 24, 2015, Applicant's agent JR Donelson requested that the application be Continued to the August 17, 2015 Planning Commission meeting. The Planning Commission Continued this application to this August 17, 2015 agenda as requested.

ANALYSIS:

Subject Property Conditions. The subject property is unplatted agricultural land zoned RS-1 and contains 5.65 acres, more or less. Abutting to the west is another approximately six (6) acres which also belongs to the Applicant. Both properties contain significant portions of 100-year (1% Annual Chance) Regulatory Floodplain.

General. The subject property is the subject of a code enforcement case for deposition of construction debris fill materials without an Earth Change Permit. Although the location of the deposited materials appears to be out of the 100-year (1% Annual Chance) Regulatory Floodplain per the official FEMA Floodplain Maps, elevation/contour data indicates part of the area may be low enough in elevation to actually be subject to a 1% Annual Chance Flood. An Earth Change Permit application has been filed and review is ongoing. Per the City Engineer, the application's disposition will likely require the removal of the fill materials and submission of a grading plan reflecting disposition of fill material. The City Engineer has recommended land development (including this Lot-Split application) not proceed until after the property has achieved compliance with the Floodplain Development and Earth Change Permit regulations.

Further, the subject property was rezoned by owner application per BZ-63 – Alfred A. Smith in 1978. Per Zoning Code Section 11-8-13, no Building Permit for any future home or otherwise may be issued until the property has been platted. Staff does not recommend approval of a Lot-Split generating four (4) tracts of land, each of which must be independently platted. Staff recommends the Applicant apply for a subdivision plat to divide the property and provide appropriate development standards through the platting process, including appropriate stormwater drainage and detention design, right-of-way and Utility Easement dedication, sidewalk construction, the provision of access for the Applicant's 6-acre tract to the west which presently appears "landlocked," and the provision of appropriate development standards through Restrictive Covenants.

As this Lot-Split application was the only new application for this August agenda cycle, Staff provided it to the Technical Advisory Committee (TAC) for comments only; no meeting was held. Relevant comments received included (1) the necessity of resolving drainage issues and (2) Cox Communications does not serve the subject property.

Staff Recommendation. For the reasons outlined above, Staff recommends this application be Tabled indefinitely, and that the Applicant be directed to resolve the outstanding Floodplain Development and Earth Change Permit requirements, and submit a subdivision plat for the division and development of the subject property.

The Applicant was not present.

Erik Enyart noted that he had spoken to Applicant's representative JR Donelson earlier that day and Mr. Donelson had stated he would advise his client of the Staff recommendation and that attendance would not be necessary.

There being no further discussion, Larry Whiteley made a Motion to TABLE BL-399 as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

OLD BUSINESS:

Chair Lance Whisman asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Lance Whisman asked if there was further New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 8:10 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary